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Approved For Release 2001/09/03 : CIA-RDP84-00709R000400070183-0

SECRET

Executive

9 February 1950

Legal Staff

Claim for Loss of Personal Effects - [REDACTED]

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1. This appears to be a proper claim for payment under Section [REDACTED] The travel here involved meets the requirements of the regulation, which provides that the employee must be "in a transfer from one official station to another, or in a travel status," and the loss attributable to a service emergency. Although the authorization for travel was necessarily informal, it was ratified by subsequent re-assignment to another station, and the loss was a foreseeable consequence of the emergency.

2. While we believe the basis of the claim has legal validity, we would like to comment on the nature of certain articles indicated in the itemized list. It is probably inappropriate to adhere strictly to the administrative practices of other agencies of the Government which possess legal authority to provide relief for personal losses. The Army and Navy would most likely accept a claim only for those belongings which were reasonably necessary to the individual in the course of his tour of duty. A greater margin of tolerance appears to be required in the case of our employees, provided an ultimate limit of reasonableness is imposed. The amount of liquor on hand was not excessive, and it is presumed that it could be reasonably related to the claimant's work. By the same token, the beer mugs are utilitarian and not rated at an excessive value. However, in the case of the cut glass bowl and the oil painting, the standard of reasonableness is put to a more severe test. We suggest that the standard should be elastic, and that the allowance of an item of loss in one claim should establish a precedent only insofar as the claimants are engaged in similar work under almost identical requirements.

3. It is noted that depreciation has been taken into consideration in establishing the value of the lost items, and although it would appear to be preferable to state the original cost with the amount of depreciation, there is no particular objection to acceptance of the net figure.

4. Section 10.3 requires the recommendation of the ADSO. It is not specifically given in the file, but it is assumed that the subsequent initialing of the routing sheet by the ADSO is ratification of the approval recommended by the Executive Officer.

L. H. Housley

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W. L. Fierze

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File returned:

cc: Subj. Approved For Release 2001/09/03 : CIA-RDP84-00709R000400070183-0

Chief

Legal decisions

1. Memorandum for Sec. 50 Jan. 1950
2. Memorandum for FDM 4 Nov. 1949 (dup.)

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